

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,975

IN THE MATTER OF:

Served May 8, 2009

Application of CARE TRANSPORT INC.)	Case No. AP-2009-016
for a Certificate of Authority --)	
Irregular Route Operations)	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission. If this standard has not been met, the application must be denied under Section 7(b).

An applicant for a certificate of authority must establish financial fitness, operational fitness, and regulatory compliance fitness.¹ A determination of compliance fitness is prospective in nature.² The purpose of the inquiry is to protect the public from those whose conduct demonstrates an unwillingness to operate in accordance with regulatory requirements.³ Past violations do not necessarily preclude a grant of authority but permit the inference that violations will continue.⁴ The past conduct of an applicant's owners and officers is relevant to a determination of applicant's compliance fitness.⁵

This is the second application for operating authority filed by this applicant. Applicant applied for temporary authority and a certificate of authority last year. The application was denied without prejudice when applicant failed to respond to a Commission inquiry into what appeared to be a history of regulatory violations.⁶ It appeared applicant had begun performing unauthorized passenger

¹ *In re HP Transp. Servs., Inc.*, No. AP-07-257, Order No. 11,242 (Mar. 31, 2008).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *In re Care Transport Inc.*, No. AP-08-068, Order No. 11,551 (Sept. 4, 2008).

transportation in the Metropolitan District under contract with Medical Transportation Management, Inc., (MTM).⁷

In this proceeding, applicant's president, Guled M. Abdulahi, states that the only work applicant has done for MTM is dispatching vehicles operated by Metro Health-Tech Services Inc., WMATC Carrier No. 589. A statement from MTM's CEO, Alaina Macia, seems to corroborate Mr. Abdulahi's statement. According to Ms. Macia:

Medical Transportation Management, Inc. ("MTM") entered into a single contract executed by two entities, Care Transport, Inc. and Metro Health Tech, Inc.

MTM's understanding was that Care Transport was in the process of purchasing Metro Health Tech that owned vehicles and had WMATC licensing, and that Care Transport would provide dispatch services and Metro Health Tech [would] provide the transportation services.

Neither applicant nor MTM, however, has produced any contract describing such a relationship.

The only evidence of an agreement between applicant and Metro Health-Tech in the Commission's files is a copy of a commercial building lease between the parties submitted by Metro Health-Tech during the course of a Commission investigation last year. In the agreement, applicant agrees to lease the "ground level" part of a Metro Health-Tech office building from April 2008 through March 2011. Applicant agrees to use and occupy the premises for "office / vehicle storage". A copy of applicant's August 2008 lease payment is attached. This is clearly not an agreement to purchase Metro Health-Tech. Further, if applicant was performing dispatch services for Metro Health-Tech's vehicles only, then applicant would not have needed to lease any "vehicle storage" space for itself.

On this record, we cannot say that applicant has satisfied its burden of establishing regulatory compliance fitness.

THEREFORE, IT IS ORDERED that the application of Care Transport Inc. for a certificate of authority, irregular route operations, is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.
Executive Director

⁷ Id.